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AUTHOR Klein, Charles
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ABSTRACT

"Bachelor's-for-tenure" is a requirement in the California Education Code specifying that community college vocational faculty hired on or after January 1, 1995 must have a bachelor's degree to receive tenure. The requirement is unusual among community colleges nationwide; of 10 states surveyed, none required a bachelor's for initial hire or tenure of vocational faculty. From 1986-87 through 1991-92, California community colleges hired 166 tenure-track faculty with less than a bachelor's. In this group, there were slightly higher proportions of Hispanics, African Americans, and American Indians than among other hires. Male hires were concentrated in trade and industrial fields, while female hires were mainly in cosmetology, child care, health fields, and business. The percentage of all present non-bachelor's faculty is less than 5% or 6% and declining. Non-bachelor's faculty hires are unlikely to pursue a degree, despite programs such as the California State University's bachelor's of vocational education degree. A number of organizations, including two major faculty unions, have urged the repeal of the bachelor's-for-tenure provision; though the statewide Academic Senate unanimously favors its preservation. The Chancellor's Office of the California Community Colleges has identified seven options regarding this provision: (1) continue the requirement with legal clarifications; (2) repeal the requirement; (3) modify the law to allow 6 years to complete the bachelor's; (4) adopt the bachelor's as a minimum employment qualification in technical disciplines; (5) adopt the associate degree as a minimum tenure requirement; (6) give local districts authority to establish equivalent qualifications; and (7) permit districts to employ non-bachelor's degree vocational instructors indefinitely as non-tenured, full-time faculty with year-to-year contracts. Includes Education Code Section 87615 and district data on tenure-track less-than-bachelor's hires. (ECC)

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ED 369 422

THE BACHELOR'S FOR TENURE:
Analysis and Options

FOURTH DRAFT

Human Resources Division
Chancellor's Office
California Community Colleges
October 1993

JC 930 531

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This report was prepared by Charles Klein, Specialist in Minimum Qualifications and Employment Issues, under the direction of Joseph Freitas, Dean of Human Resources, and Maria Sheehan, Ed.D., Vice Chancellor for Human Resources. Appendix B displaying faculty hires by district was prepared by Judith Frith, Office Assistant.

Additional copies of this report may be obtained from Judith Frith at (916) 445-2914. Comments or questions about its contents may be directed to Charlie Klein at (916) 445-4236.

THE BACHELOR'S FOR TENURE: ANALYSIS AND OPTIONS

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THE BACHELOR'S FOR TENURE: ANALYSIS AND OPTIONS

EXECUTIVE SUMMARY

The bachelor's-for-tenure is a requirement in the Education Code that community college vocational faculty hired on or after January 1, 1995 must have a bachelor's degree to receive tenure. The Board of Governors is required by law to study this requirement and make a recommendation to the Legislature regarding its continuance, repeal, or modification.

The bachelor's-for-tenure was written into AB 1725 as the result of a compromise between members of a reform task force who thought the associate degree should be the minimum educational level for vocational faculty, and members who favored the bachelor's.

Of ten other states surveyed, none requires a bachelor's for initial hire of vocational faculty, and none has a requirement similar to California's bachelor's-for-tenure.

From 1986-87 through 1991-92, community colleges hired 166 tenure-track faculty with less than a bachelor's. Although many rural and suburban districts made no such hires, several major urban districts made substantial numbers of such hires. There were slightly higher proportions of Hispanics, African Americans, and American Indians among the less-than-bachelor's hires than among other hires. Most of the hires were men, but among the women there were significantly higher proportions of Hispanics and African Americans.

Male hires were overwhelmingly concentrated in trade and industrial fields, such as automotive repair, machine tools, and drafting. Female hires were mainly in cosmetology, child care, health fields, and business.

Data suggest that the percentage of all present faculty with less than a bachelor's is around five or six percent, and declining. However, when a faculty member is hired without a bachelor's, he or she will probably not voluntarily earn one subsequently, despite salary incentives to do so.

The Education Code provides district boards with the right, for "rare and compelling" reasons, to award tenure to a vocational instructor who has not earned the bachelor's, provided the local academic senate agrees. This waiver provision is ambiguous and could create local conflicts.

California State University offers degrees at nine campuses that are targeted toward vocational instructors who wish to obtain a bachelor's. These degrees are specially structured to accommodate the needs of vocational teachers, but historically have had very small enrollments.

Positions taken by organizations and opinions received from

individuals are summarized in the report. The preponderance of opinion favors repeal of the bachelor's-for-tenure, with the important exception of the statewide Academic Senate, which has unanimously supported continuance.

Seven options for a recommendation to the Legislature are presented:

1) Contine the requirement with legal clarifications;

2) Repeal the requirement;

3) Modify the law to allow six years to complete the bachelor's;

4) Repeal the bachelor's-for-tenure and instead adopt the bachelor's as a minimum hiring qualification for technical disciplines;

5) Substitute the associate degree for the bachelor's as a minimum requirement for tenure in trade, industrial, and service areas;

6) Continue the requirement but replace the present "rare and compelling reasons" waiver, with authority for a waiver when an instructor has "equivalent qualifications" as locally determined.

7) Permit districts to employ non-bachelor's degree vocational instructors indefinitely as non-tenured full-time faculty members with year-to-year contracts.

THE BACHELOR'S FOR TENURE: ANALYSIS AND OPTIONS

I. The Issue

The Education Code provides that, starting January 1, 1995, vocational faculty members in community colleges must possess a bachelor's degree or equivalent in order to become tenured, even though such faculty may be hired with only an associate degree (plus six years of occupational experience).

The same section of the code also directs the Board of Governors to monitor the effects and "anticipated effects" of this requirement upon hiring practices within the districts, analyze the results, and make a report and recommendation to the Legislature no later than January 1, 1994. The recommendation could be to continue, to repeal, or to modify the bachelor's-for-tenure requirement.

Appendix A contains the text of the relevant section, Section 87615 of the Education Code.

II. Background

Origin of the Bachelor's-for-Tenure Requirement

Before AB 1725.

Under the credentialing system that was in use before AB 1725, the major community college reform bill of 1988, a regular Instructor credential (authorizing full-time instruction and valid for life) for most subjects could be obtained by a person with as little formal education as a high school diploma, and 24 semester units of college coursework (including 12 units of coursework in teaching methodology). Fifteen out of the available 76 credential subject areas were designated by Chancellor's Office staff as areas for which a master's degree was always required. These were the natural and social sciences, humanities, and mathematics. For all other subject areas, the applicant could hold either a master's or a combination of a lower degree plus occupational experience. Thus a person without any college degree could obtain a credential in business management, or computer science, or art and design.

Tenure, before AB 1725, was acquired after a two-year probation, assuming satisfactory evaluations. There were no special qualifications for tenure beyond the credential that authorized teaching or service. Thus, there are today some tenured community college faculty members whose highest educational degree is a high school diploma. These would be almost exclusively in trade,

industrial or service occupations. Although it was theoretically possible to obtain a credential in a business-related, health-related, or other discipline without a college degree, hiring practices and licensing laws made it next to impossible for such a person to be hired as a full-time faculty member.

The AB 3409 Task Force

In 1986, half a million dollars of special funding was provided by the Legislature for studies, staff work, and committee work toward hammering out the shape of community college reform. One of the most important parts of this work was done by the "Task Force on Community College Faculty and Administrator Qualifications, Hiring, Evaluation and Retention," commonly known as the AB 3409 task force, after the bill which created it. The task force comprised eleven members representing each interest group involved with community college academic employment, ethnically, geographically, and programmatically balanced.

As a result of the AB 3409 task force's work, the probationary period for community college tenure was lengthened to four years, and mandatory peer review was adopted. Another of its charges was to devise some replacement for the credential system, which various studies and reform reports had already recommended should be repealed.

The task force took as one its guiding principles that existing credential standards were too lax, and that minimum qualifications for faculty should be raised. While there was little question about the master's degree being the appropriate educational requirement for most faculty, there was prolonged debate about the requirements for vocational faculty. A significant segment of the task force, including representatives of the two major faculty unions, argued that the bachelor's should be the minimum educational level for vocational faculty. The representative of personnel officers, the sole faculty representative from an industrial discipline, and the task force's drafting and legal consultant argued for the associate degree instead.

The Academic Senate representative suggested, as a compromise, setting the associate degree as the minimum for hire and the bachelor's as a requirement for tenure, thus giving the associate degree-holder four years to complete a bachelor's. Other members urged that a local waiver of the bachelor's-for-tenure requirement be allowed, to ensure flexibility in unusual cases. This waiver would follow the same pattern as the "equivalency" provision for statewide minimum qualifications, and would require that the local governing board rely primarily on the advice and judgment of the local academic senate. This position was adopted by the task force in its report to the Legislature of March 15, 1987.

The AB 1725 Language and Its Interpretation

The recommendations of the AB 3409 Task Force as to minimum

qualifications for hire were placed into AB 1725 directly after it delivered its report, but it was more than another year before the task force's recommendations concerning tenure went into the reform bill (in the summer of 1988). In the meanwhile, some concerns had been expressed about the impact of the bachelor's-for-tenure requirement, particularly upon affirmative action, and consequently, the Joint (Legislative) Committee for Review of the Master Plan for Higher Education inserted a mandate for the Board of Governors to study the effects of the requirement and report back to the Legislature with recommendations.

The language of Education Code Section 87615, which embodies the bachelor's-for-tenure requirement, says that, for vocational faculty, the requirement "shall commence January 1, 1995" -- four years after the section became effective. Once AB 1725 was passed and took effect, a question of interpretation arose as to whether this language meant the requirement applies to vocational faculty whose final tenure decision date is on or after January 1, 1995, or whose date of initial hire is on or after January 1, 1995.

It appears that the intent of AB 1725 was to delay the implementation of the bachelor's-for-tenure requirement, to allow time for study and possible reconsideration. If the requirement applied to those hired as soon as the law became effective, there would be no actual delay for study. The Chancellor's Office, upon the advice of community college organizations, therefore disseminated an interpretation that ECS 87615 applies only to vocational faculty hired on or after January 1, 1995.

Practices in Other States

A telephone survey was taken of community college systems in ten other states, chosen for substantial size and geographic spread. The ten states were:

Arizona
Florida
Illinois
Louisiana
Massachusetts
New York
Pennsylvania
Tennessee
Texas
Washington

These states have greatly varying degrees of centralization versus local control in their community colleges; they have tenure periods that range from three to seven years. Only one of them (Arizona) uses a state credentialing system.

None of these states require that vocational instructors hold a bachelor's degree, either for initial hire or for tenure. Louisiana was the only state surveyed that sets even the associate degree as a minimum educational requirement for hire; in all others, a tenure-track instructor in a vocational field could be hired on the basis of occupational experience or occupational licensure or certification alone. Two states indicated that an

associate degree is generally preferred, and one indicated that a bachelor's is generally preferred, but these are preferences and not rules.

All ten states indicated that they impose no additional requirements for tenure beyond the requirements for initial hire, except for good performance evaluations. Louisiana suggested that an instructor's pursuance of a higher degree would likely be a positive factor in his or her tenure consideration, but it is not a requirement.

Tennessee, Texas, and Florida all follow the guidelines of the Southern Association of Schools and Colleges, their accrediting agency. Those guidelines indicate that an instructor must have at least the same level of education as the degree he or she is teaching towards (that is, at least a bachelor's with a master's preferred in transfer programs, at least an associate with a bachelor's preferred in associate degree programs, at least a certificate with an associate degree preferred in certificate programs). The guidelines also say that for non-degree programs geared toward immediate employment, the standard for instructors should be whatever combination of education and experience is relevant to the assignment.

III. Characteristics of Affected Faculty

Bachelor's-for Tenure Survey

Human resources directors of all 71 districts responded to a survey by the Chancellor's Office in May and June of 1993. The survey requested data on all full-time faculty hired with less than a bachelor's degree during a six-year period, from 1986-87 through 1991-92.

Number of Hires.

Twenty-one districts reported that they hired no full-time faculty during those years with less than a bachelor's degree. Of this group, most were small, geographically isolated colleges; some were suburban; only one could be called an urban district. (See Appendix B for a list of the number of faculty with less than a bachelor's hired by each district.)

The other fifty districts reported hiring 166 full-time tenure-track faculty with less than a bachelor's degree from 1986-87 through 1991-92. The median number of such faculty hired, by those districts that hired any, was two. The Los Angeles and San Francisco districts hired substantially more than other districts, accounting between them for almost 17 percent of the total.

In addition, 20 full-time non-tenure-track hires were reported.

These were faculty hired as full-time substitutes, or hired for positions in specially funded programs of indeterminate duration (which, by law, do not lead to tenure). It is likely there were many more full-time non-tenure-track hires in the system. Only four districts reported such hires; other districts undoubtedly had these types of hires but assumed they were not germane to the purpose of the survey and did not report them.

During the six year period covered by the survey, approximatley 6,000 tenure-track faculty were hired within the entire community college system. Those with less than a bachelor's degree thus represented about 2.8 percent of all full-time hires. The pattern of hiring for less-than-bachelor's faculty over the six-year period followed the pattern of hiring for all faculty, with the number of hires peaking in 1989-90 and 1990-91, years when substantial "program improvement" funds were provided to colleges, in part for the purpose of increasing their full-time faculty.

Ethnicity.

The ethnic breakdown of tenure-track faculty hired with less than a bachelor's degree from 1986-87 through 1991-92 is displayed below, and compared with the percentages of each ethnic group among all full-time faculty as of 1991, and among all full-time hires for 1990-91, the last year for which complete data are available. For this table, Filipinos have been combined with the "Asian/Pacific Islander" category.

ETHNICITY OF FT FACULTY HIRED W/LESS THAN BACHELOR'S VS. ETHNICITY OF ALL FT FACULTY AND ALL FT FACULTY HIRES

	Asian	Black	Hispanic	American Indian	White
< Bachelor's	4.8	6.6	13 9	2.4	72.3
All FT Faculty	5.0	5.7	7.4	0.9	81.0
All 1990-91 FT Fac. Hires	9.3	5.1	10 3	1.9	73.5

As this table shows, historically underrepresented groups constitute an approximately similar overall percentage of less-than-bachelor's hires as they do of all full-time faculty hires. (Both rates are higher than their representation among all current faculty, indicating the effects of diversity hiring efforts.) However, there is a noteworthy difference in distribution: Asians are much better represented in the bachelor's-and-above group; Blacks, Hispanics, and American Indians/Alaskan Natives are all somewhat better represented in the less-than-bachelor's group, with the greatest disparity being among Hispanics. In other words, a disproportionately high slice of tenure-track faculty

hired with less than a bachelor's have been Hispanic.

(It should be kept in mind that the absolute numbers are small. The "disproportionately high slice" referred to above is 23 Hispanic hires over six years.)

Gender.

Of the 166 tenure-track faculty hired from 1986-87 through 1991-92 with less than a bachelor's degree, 65.1 percent were male and 34.9 percent were female.

The female cohort included substantially higher proportions of black and Hispanic faculty hires than the male cohort. Nineteen percent of the female hires were Hispanic and twelve percent were black. The male cohort included higher percentages of Asians and whites, and all four of the American Indians hired.

Discipline.

Almost 89 percent of faculty hired with less than a bachelor's degree were assigned to Engineering & Related Technologies, Commercial Services (which includes food service and cosmetology), Public Affairs & Services (which includes administration of justice, fire control technology, and child care center services), Health Occupations, and Business.

Female hires were most likely to be in Commercial Services (especially cosmetology), Health Occupations, and Business. A significant number of the female faculty were hired as child development center teachers.

Male hires were overwhelmingly concentrated in Engineering and Related Technologies, which includes the trade and industrial fields. Almost three out of ten of the male faculty were hired to teach automotive technology or diesel technology. Lesser numbers of the male hires were in food service technology, administration of justice, and fire control technology.

Class of '91

For a study funded by the Chancellor's Office's Faculty and Staff Diversity Fund, personnel consultant John Madden collected questionnaires from 608 people who were hired as tenure-track faculty during spring or fall of 1991. (This represents about half of all full-time faculty hired statewide during this period.) Educational background was one of many questions asked on the questionnaire.

Among Madden's respondents, 57.7 percent of those with less than a bachelor's were male, and 88.5 percent were white. These percentages do not agree with the findings of the special survey undertaken for this report, which found 65.1 percent males and

72.3 percent whites among the less-than-bachelor's hires.

The most likely explanation for the discrepancy is that Madden's responses were skewed; that minority male faculty hired with less than a bachelor's more often failed to respond than others. Because the special bachelor's-for-tenure survey included all less-than-bachelor's hires, did not rely on a voluntary questionnaire from individuals, and covered a six-year rather than a one-year period, it is a better source of data.

The "Class of 91" survey respondents included 4.4 percent who said they had less than a bachelor's degree. This is slightly higher than the 2.8 percent that systemwide data suggest have been hired with less than a bachelor's degree over the course of six years, throughout the state.

1982 Report on Faculty Employment

In January 1982, the Chancellor's Office Analytical Studies section published a "Report on Faculty Employment" which compared various characteristics of full-time and part-time faculty. The data for this report were obtained from questionnaires that were given to a random sample of one-eighth of all faculty (full-time, part-time, probationary or tenured) in the community colleges. Among the characteristics examined was educational level.

This report found that 8.1 percent of full-time faculty did not have a bachelor's degree when they applied for their teaching credential. (About two and a half times as high a percentage of the part-time faculty had no bachelor's degree.)

The "Class of 91" survey, described in the section above, found about four percent of new full-time faculty hires with less than a bachelor's, whereas the 1982 "Report on Faculty Employment" had found about eight percent among all faculty. It is likely that the biggest part of the explanation for this discrepancy is that the proportion of community college faculty hired with less than a bachelor's has declined over the years, and particulary over the ten years separating the two surveys. The figure of 2.8 percent hired with less than a bachelor's, obtained in the special survey for this report, appears to confirm that such a decline continues.

IV. Questions and Problems

Do Faculty Already Obtain the Bachelor's?

It has been suggested that perhaps the bachelor's-for-tenure requirement in statute is not too important one way or another, because vocational faculty already tend to obtain their bachelor's degree after being hired, in order to move up the salary schedule.

It is true that most community college district salary schedules contain ranges that are based on a person's level of education, and that a vocational instructor often cannot move to a higher range without obtaining another degree. Nevertheless, it appears that few faculty hired with less than a bachelor's actually complete a bachelor's under present circumstances.

The special survey that was taken for this report indicates that, of 166 tenure-track faculty hired with less than a bachelor's from 1986-87 through 1991-92, only fifteen (9.0 percent) had obtained a bachelor's by the time the survey was taken, in spring 1993. (And they were all white, except for one Asian.) Even for the 1986-87 hires, who had six years to do it, only 16 percent had obtained a bachelor's. Those who have obtained a bachelor's since being hired are most likely to be teaching in Business or Health Occupations.

Other evidence comes from the 1982 Report on Faculty Employment. The questionnaire used for that report asked faculty members about their educational level at the time they applied for a credential, and also about their current educational level. No significant difference was found between the percentage of full-time faculty who had less than a bachelor's when they obtained their credential, and the percentage who had less than a bachelor's at the time of the questionnaire. This would appear to indicate that few full-time faculty hired with less than a bachelor's chose voluntarily to complete the degree, even though there are usually salary incentives to do so.

Tenure Time With No Bachelor's

It is spring of 1999. A vocational instructor who was hired with an associate degree in the spring of 1995 is being considered by a district governing board for tenure; his four-year probationary period is ending. The instructor has taken several college courses, but has not completed his bachelor's degree. What does the governing board do, and what happens to the instructor?

The intent of the AB 3409 task force was that, in general, if the instructor has not obtained the bachelor's, he should be dismissed. Their 1987 report to the Legislature recommended that "the minimum qualification for tenure *(and therefore, employment beyond the probationary period . . .)* should be possession of the minimum qualifications for initial hire or the possession of a bachelor's degree, whichever is greater" (emphasis added). However, their parenthetical intention was not explicitly stated in AB 1725.

The Education Code does not presently specify, either in Section 87615 which establishes the bachelor's-for-tenure requirement, or anywhere else in the articles concerning tenure and evaluation, that an instructor shall be dismissed for failure to meet the

requirement of Section 87615. It seems probable that this situation would generate collective bargaining grievances or legal challenges when districts attempt to dismiss vocational faculty who have not obtained the bachelor's. On the other hand, Section 87609 does not presently give districts the option of continuing to employ any instructor past the fourth year as a nontenured employee. If the bachelor's-for-tenure requirement is continued, it is important that the Education Code be amended to specify what is to happen when the instructor reaches the end of probation.

However, even if the instructor has not obtained the bachelor's, Section 87615 gives the local governing board the power to grant tenure for "rare and compelling reasons," as determined according to a process locally agreed upon by the governing board and the academic senate, and relying primarily on the advice and judgment of the local senate in each case.

This waiver provision was inserted by the AB 3409 task force following the model of the "equivalency" provision that it designed for minimum qualifications upon initial hire. The task force foresaw that flexibility would be needed, and that a blanket rule might be unreasonable in some cases. However, the use of such a waiver provision could be more problematic in the case of tenure than in the case of minimum qualifications for hire. In a hiring decision, the college may deny the applicant a job that he hoped to obtain; but in a tenure decision, the college may take away from the employee a job that he has held for four years. Denial of tenure and resultant dismissal is a far more serious consequence than failure to be chosen for a job interview.

No definition is provided to tell districts how to judge a "compelling" reason. May the instructor's personal circumstances be considered "compelling"? May the approval of the department or division be considered "compelling"? May the instructor's popularity or success with students be considered "compelling"? If any of these may constitute "compelling" reasons for granting tenure, then most instructors without the bachelor's would probably get tenure.

However, the statute also says the use of the waiver must be "rare." This means that the college cannot use it for all or most cases; some will receive a waiver and others will not. These inherently subjective and invidious choices offer the likelihood of grievances, discrimination complaints, and factional splits within governing boards or (more likely) within academic senates.

There is also a possibility of conflict between local academic senates and faculty unions. Academic senates are primarily in charge of both equivalency for hire, and waiver of the bachelor's requirement for tenure. However, although a union has no responsibility to represent an applicant who has not yet been hired by the college, it does have the responsibility to represent a probationary faculty member who comes up for a tenure decision, and specific responsibility for negotiating tenure evaluation

procedures. Therefore, it is very possible that, on tenure waiver decisions, the views or interests of the senate and the union could conflict.

The Bachelor of Vocational Education Degree

Some vocational instructors in community colleges and the K-12 system felt the need to pursue a bachelor's degree decades before there was any hint of a bachelor's-for-tenure requirement. Teachers generally wanted to obtain a degree for enhanced professional status and salary schedule placement. A bill passed by the Legislature in 1943, known as the "Swan Act," made it easier for vocational instructors to obtain a bachelor's by authorizing California State University to provide such instructors with up to 40 semester units of academic credit for occupational experience.

Under the Swan Act (Sections 89220-223 of the Education Code), a "Board of Examiners for Vocational Teachers," chaired by a consultant within the State Department of Education, evaluates applications from candidates who are active vocational instructors with at least one full year of teaching experience and seven years of occupational experience. This board determines how many units should be given for the applicant's experience; the applicant may then use these units toward a special degree, the Bachelor of Vocational Education (BVE), at any of nine CSU campuses: Chico, Fresno, Long Beach, Los Angeles, San Bernadino, San Diego, San Francisco, San Luis Obispo, and Stanislaus.

All BVE programs require completion of CSU's general education requirements (which generally comprise 48 or 51 units depending on the campus), including literacy and civics requirements. All of them treat "Swan Act" units as the equivalent of a "major." But they vary greatly as to how many units of teaching methodology or other special coursework they require. Some programs offer little or nothing in the way of targeted education coursework for vocational instructors; however, programs at Long Beach and San Bernadino, which also offer a Master of Arts in Vocational Education, require an array of structured education coursework.

The Long Beach and San Bernadino campuses also offer a "Bachelor of Science in Vocational Education," which is sometimes taken by community college vocational instructors, but does not allow "Swan Act" credit for occupational experience. Instead, it requires coursework demonstrating competency in a specific occupation, taken either at a community college or at the university. This degree is popular with vocational instructors who already hold an associate degree in their occupational field, since it allows their community college occupational coursework to count as a "major" toward the bachelor's, even though the university itself may offer no degree in that field.

Systemwide, CSU awarded 52 BVE and BSVE degrees in 1991-92, a

number which has remained fairly level over the past five years. Although some of the nine BVE programs turn out only a trickle of graduates, there are no current plans to drop any of them, according to CSU headquarters. However, in response to a request from the Community College Chief Instructional Officers, CSU surveyed its campuses in 1991 regarding prospects for establishing additional BVE programs, and none of the eleven campuses presently without the BVE expressed interest in establishing a new program.

The Academic Senate has requested that the possibility of offering the BVE "via non-traditional means" be explored. To some extent, CSU is already doing this. The core coursework for the BVE and BSVE at Long Beach, the campus with the largest program, is offered entirely in the evenings and on Saturdays. The BVE program at Chico encourages community college instructors to take their general education coursework at their community college campus and many of their upper-division courses via the instructional television links that CSU Chico maintains with numerous community colleges throughout rural northern California. CSU Stanislaus also has a network of distance learning sites.

Presently there is a "Project Delta" coordinated by CSU system headquarters to determine planning and cost requirements for offering complete degree programs via distance technology. Specific degree programs have not been chosen yet, but low-enrollment programs such as the BVE probably would be economically difficult to offer in this fashion. However, it is likely that more general education courses, which make up a great proportion of the requirements for any bachelor's degree, will be available via alternative delivery systems in the future. In addition, CSU systemwide academic planning personnel indicate their willingness to discuss various alternatives with community college vocational faculty representatives.

V. Opinions and Legislative Developments

Organizations

The two major unions representing community college faculty have adopted positions in favor of repealing the bachelor's-for-tenure requirement. The Community College Association of the California Teachers Association adopted such a position in October 1991; the Community College Council of the California Federation of Teachers adopted identical language in March 1992. It is ironic that representatives of these two unions were among the first advocates for the bachelor's as a minimum qualification.

The unions' position is explained in a letter of May 21, 1992, from Martin Hittelman, president of the Community College Council of CFT:

> "The Council believes that since the minimum requirement to work is not a BA, that the requirement that a person hold a BA to be granted tenure is not proper. If a person is fully qualified to teach, the person should be qualified to be granted tenure.
>
> Further, we believe that it is unrealistic to expect a new teacher, without a BA, to find time to get a BA in the 4 year tenure period. A new faculty member with a full-time assignment has little extra time to devote to further college work."

Other organizations that urge repeal of the bachelor's-for-tenure are the Bay Area Community College Occupational Planning Committee, the California Community College Advisory Committee on Trade-Industry and Technical Education for Northern California, and the California Automotive Teachers Association (which represents instructors in the single discipline most heavily affected by the requirement). CATA echoes the rationales of the unions, and adds:

> "Because it is essential for our programs to remain on the cutting edge of technology, new automotive instructors are often hired who have a high level of skills acquired while working as journeymen in the field. The work place does not require a degree."

The Bay 10 and Central 14 consortia of human resource directors took a unanimous vote urging repeal of the bachelor's-for-tenure in September 1993. Their reason was that the requirement is not sufficiently job-related to meet the standards of federal equal opportunity guidelines and court decisions on non-discrimination.

The statewide Academic Senate unanimously adopted a resolution at its spring 1993 conference urging that the bachelor's-for-tenure requirement be continued. The resolution also supported the production of this report, and requested the Chancellor's Office to work with California State University to ensure the availability of the Bachelor of Vocational Education degree via non-traditional means.

As of the writing of this draft, the only other official consultation council, aside from the Senate, that has taken a position on the issue is the Council of Student Body Governments, which supports extending the probationary period if the vocational instructor has not completed a bachelor's after four years.

The California Community College Administrators of Occupational Education does not have a formally articulated position, but, like the Senate, has supported further research to quantify the impact of the requirement. Members of the organization, however, have expressed concern about the constraints of the bachelor's-for-tenure requirement, particularly in regard to youth training and

apprenticeship programs that may be supported by new federal funds. It is not clear whether the bachelor's-for-tenure would actually be a problem for apprenticeship instructors. Reportedly, although there are a growing number of full-time apprenticeship instructors, they are at present generally employed indirectly by contract, and thus not subject to most personnel rules in the Education Code.

Individuals

In the course of the special survey taken for this report, written comments on the bachelor's-for-tenure requirement were invited from all interested individuals.

Sixteen comments from individuals were received. Four were in favor of continuing the requirement, twelve were in favor of repealing it.

Opinions in favor of repeal came from five human resources administrators, three instructional administrators, one automotive technology instructor, and three owners or managers of automotive service shops. Human resource administrators cited concern about the difficulties of recruiting well-qualified instructors with a bachelor's degree in various fields such as food service, cosmetology, construction, automotive technology, emergency medical services, and so forth. Concern about the impact on affirmative action was also cited.

One correspondent (an instructional dean) called the bachelor's-for-tenure requirement "academic elitism," and stated that, "It undermines our vocational offerings and the value of work experience to quality vocational education."

Opinions in favor of continuance came from two automotive technology instructors, an industrial division chair, and a chief instructional officer. Reasons included the belief that persons with a bachelor's degree are more likely to have vital communication skills, and that vocational faculty need to be on a comparable professional plane with academic faculty.

One educational administrator, in support of the bachelor's-for-tenure, wrote that, "Faculty whose only education is technical, are less likely to be able to provide the broad educational background that students need. While they may be just as competent in teaching specific skills, they are generally not as capable of addressing the larger context in which those skills exist." This adminisrator also noted that faculty without a bachelor's degree " are less likely to encourage students to continue in higher education or to puruse the kind of general education background so necessary for today's workforce."

AB 460 and "The Master Plan in Focus"

AB 460

The California Federation of Teachers sponsored a bill to repeal immediately Education Code Section 87615 (the bachelor's-for-tenure requirement). The author was Assemblyman Paul Horcher, R-West Covina. The bill, AB 460, was introduced in February 1993 and was heard twice in the Assembly Committee on Higher Education in March and April. In addition to the California Federation of Teachers, it was supported by the California Teachers Association, but opposed by Academic Senate and the Faculty Association of California Community Colleges.

In discussing the bill during its first hearing, several members of the committee, of both parties, expressed sympathy with the intent of the bill, and concern that the bachelor's-for-tenure requirement could be an unnecessary or undesirable restriction. However, the bill did not garner enough votes to pass out of committee, mainly because a majority of members resisted taking any action on the statute until the recommendation of the Board of Governors was received.

AB 460 was also discussed by the Board of Governors at its March 1993 meeting, and several Board members expressed support for the bill. The Board took no position.

"The Master Plan in Focus"

The Assembly Committee on Higher Education, under the leadership of chair Marguerite Archie-Hudson (D-Los Angeles), reviewed the Master Plan for Higher Education from fall 1992 through spring 1993. Option papers were produced and regional hearings conducted on the range of long-term issues facing colleges and universities in California.

In a discussion paper, the committee's staff suggested that the Legislature "prohibit community colleges from requiring faculty in vocational and technical areas to have an academic degree, except in specialized fields." The Chancellor's Office opposed this suggestion in testimony to the committee in February, taking the position that the associate degree should be retained as a minimum qualification for hire, and that the Legislature should await the report and recommendations of the Board of Governors before reaching any decision about the bachelor's-for-tenure.

The draft report of this master plan review project, entitled "The Master Plan in Focus" (April 1993), is less specific but retains an implicit criticism of the bachelor's-for-tenure:

> "We discussed at length during our hearings the rationale for requiring the Ph.D. for the teaching faculty of CSU, and an academic baccalaureate for

vocational faculty at community colleges, yet we remain unconvinced that these general requirements are absolutely necessary for effective performance of the faculties' primary responsibilities.

> Strategy 5.1 Faculty hiring and tenure requirements shall be limited to demonstration of the skills and experience for effective teaching and, at the University of California, competent research."

VI. OPTIONS

Option 1.

Continue the requirement that vocational faculty obtain a bachelor's degree by the end of the four-year probationary period for tenure. Insert language into Education Code Section 87615 specifying that an instructor who has not met this requirement shall be dismissed, unless a waiver is granted and the instructor is awarded tenure for rare and compelling reasons. Encourage CSU to ensure the availability of the Bachelor of Vocational Education degree via nontraditional means with a minimum of on-campus work.

Option 2.

Repeal the bachelor's-for-tenure requirement.

Option 3.

Continue the bachelor's-for-tenure requirement, but amend statutes in Article 2, Chapter 3, Part 51 of the Education Code (the article on tenure) so that, if a vocational instructor has not completed the bachelor's in four years, but has made reasonable progress, the local governing board may extend the probationary period to six years. After six years, if the instructor has not completed the bachelor's and does not receive a waiver to be awarded tenure for rare and compelling reasons, statute would require that the instructor be dismissed.

Option 4.

Repeal the bachelor's-for-tenure requirement. Amend regulations in Subchapter 2, Chapter 4, Division 6 of Title 5 of the California Code of Regulations to establish the master's as the minimum educational level for academic disciplines, the

bachelor's as the minimum level for technical disciplines, and the associate degree as the minimum level for trade, industrial, and service disciplines. Request the Academic Senate to prepare a third "disciplines list" of technical disciplines for which a bachelor's is required.

Option 5.

Amend the Education Code to require the associate degree, rather than the bachelor's, as a minimum educational level for tenure for faculty in trade, industrial, or service fields.

Option 6.

Amend Education Code Section 87615 so that, instead of giving districts the right to waive the bachelor's-for-tenure requirement for "rare and compelling reasons," it gives them the right to waive whenever a faculty member has equivalent qualifications as locally determined. Such determinations would still have to be made according to a process agreed upon between the local board and local academic senate.

Option 7.

7) Modify the tenure law to make it possible for a district to hire a non-bachelor's degree vocational instructor as a non-tenured full-time faculty member with a year-to-year contract, and employ him or her indefinitely in that status. Provide that the instructor shall automatically be granted tenure if he or she later obtains a bachelor's after having served satisfactorily for four years.

APPENDIX A: EDUCATION CODE SECTION 87615

87615. Commencing July 1, 1991, the minimum degree requirement for tenure as a community college faculty member shall be a bachelor's degree or equivalent from an accredited institution, or an equivalent foreign degree, as determined by the board of governors, except that in the case of vocational faculty, this requirement shall commence January 1, 1995. The board of governors shall monitor the effects and anticipated effects of this provision upon hiring practices within the districts, analyze the results, and make a report and recommendation to the Legislature no later than January 1, 1994.

The governing board may grant tenure to faculty members who do not meet the minimum degree requirement for tenure specified in this section if both of the following are met:

(a) The governing board determines that rare and compelling reasons exist justifying the action. The reasons for the governing board's determination shall be reflected in its action granting tenure to the individual.

(b) The process by which the governing board reaches the determination has been developed and agreed upon jointly by representatives of the governing board and the Academic Senate, and approved by the governing board. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate to determine that rare and compelling reasons exist to grant tenure. The process shall further require that the governing board provide the Academic Senate with an opportunity to present its views to the governing board before the board makes a determination; and that the written record of the decision, including the views of the Academic Senate, shall be available for review pursuant to Section 87358.

(c) Until a joint agreement is reached pursuant to subdivision (b), the district process in existence on January 1, 1989, shall remain in effect.

APPENDIX B: TENURE-TRACK FACULTY HIRED WITH LESS THAN BACHELOR'S, 1986-87 THROUGH 1991-92, BY DISTRICT

District	Number Hired	Ethnicity & Gender
Allan Hancock	1	w/m
Antelope Valley	1	w/m
Barstow	0	
Butte	2	i/m
		w/f
Cabrillo	1	w/m
Cerritos	6	w/m
		w/f (2)
		h/f
		b/m
		h/m
Chabot-Las Positas	1	w/m
Chaffey	5	w/m (2)
		w/f (2)
		h/f
Citrus	3	w/f (2)
		h/f
Coast	4	w/m (2)
		w/f (2)
Compton	1	b/m
Contra Costa	3	w/f (2)
		b/f
Desert	0	
El Camino	3	w/m (3)
Feather River	0	
Foothill-DeAnza	0	
Fremont-Newark	1	a/m
Gavilan Joint	0	
Glendale	0	
Grossmont-Cuyamaca	2	w/m (2)
Hartnell	0	
Imperial Valley	3	w/f (2)
		h/f
Kern	1	w/m
Lake Tahoe	0	
Lassen	2	w/m
		w/f
Long Beach	8	w/m (5)
		w/f
		a/m
		h/m
Los Angeles	17	w/m (6)
		w/f (4)
		b/f (2)
		a/m (2)
		a/f
		i/m
		h/m

District	Number Hired	Ethnicity & Gender
Los Rios	3	w/m w/f h/f
Marin	0	
Mendocino-Lake	0	
Merced	0	
Mira Costa	0	
Monterey Peninsula	0	
Mt. San Antonio	7	w/m (4) w/f (3)
Mt. San Jacinto	0	
Napa Valley	1	w/m
North Orange	1	h/m
Palo Verde	3	w/m (3)
Palomar	2	w/m (2)
Pasadena	7	w/m (2) w/f h/f a/m i/m h/f
Peralta	7	w/m (2) w/f h/m h/f a/f h/m
Rancho Santiago	6	w/m (3) w/f h/f (2)
Redwoods	0	
Rio Hondo	3	w/m (3)
Riverside	5	w/m (3) h/m h/m
Saddleback	0	
San Bernardino	4	w/m (2) w/f h/f
San Diego	6	w/m (5) h/f
San Francisco	11	w/m (5) w/f h/f a/m i/m h/m (2)
San Joaquin Delta	0	
San Jose-Evergreen	5	w/m (2) w/f h/m h/f

District	Number Hired	Ethnicity & Gender
San Luis Obispo	0	
San Mateo	3	w/f (3)
Santa Barbara	1	w/m
Santa Clarita	0	
Santa Monica	2	w/m
		h/m
Sequoias	0	
Shasta-Tehama-Trinity	2	w/m
		w/f
Sierra	1	w/f
Siskiyou	1	w/m
Solano	1	w/m
Sonoma	1	w/m
Southwestern	1	w/m
State Center	5	w/m (3)
		w/f
		h/m
Ventura	2	h/m
		h/f
Victor Valley	2	w/m (2)
West Hills	3	w/m (2)
		W/F
West Kern	0	
West Valley-Mission	2	W/F (2)
Yosemite	2	W/M (2)
Yuba	2	
total	166	